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Anthony Thomas and Wendi Thomas

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF NEVADA

In re:

ANTHONY THOMAS; WENDI THOMAS;
AT EMERALD, LLC;

Debtors.

ANTHONY THOMAS; WENDI THOMAS;

Appellants,
vs.

KENMARK VENTURES, LLC,

Appellee.

BAP No. NV-16-1058

Bk. No. 3:14-bk-50333-BTB

Adv. No. 3:14-ap-05022-BTB

**APPELLANT'S AMENDED
STATEMENT OF ISSUES ON
APPEAL AND DESIGNATION OF
RECORD [FED. R. BANKR. PRO.
8009]**

Pursuant to Federal Rule of Bankruptcy Procedure 8009, Appellants Anthony Thomas and Wendi Thomas ("Appellants"), by and through their legal counsel, Macauley Law Group, P.C., hereby identifies the following issues on appeal (and thereby amends a previous, patently erroneous filing by Appellants in pro se) from the NonDischargeable Judgment After Trial [ECF No. 49] and the Order Granting Motion for Determination [ECF No. 88] (collectively "Judgment") and designates the record:

1 **A. STATEMENT OF ISSUES ON APPEAL**

2 Appellants present the following issues on appeal:

3 1. Whether the Bankruptcy Court erred in finding that Appellants' debt to
4 Appellees was nondischargeable pursuant to Bankruptcy Code Section 523(a)(2) on the grounds
5 that Appellants' obtained money, property and services, or credit by false pretenses?
6

7 2. Whether the Bankruptcy Court erred in finding that Appellants' debt to
8 Appellees was nondischargeable pursuant to Bankruptcy Code Section 523(a)(2) on the grounds
9 that Appellants' obtained money, property and services, or credit by use of a false
10 representation?
11

12 3. Whether the Bankruptcy Court erred in finding that Appellants' debt to Appellees
13 was nondischargeable pursuant to Bankruptcy Code Section 523(a)(2) on the grounds that
14 Appellants' obtained money, property and services, or credit by actual fraud?

15 4. Whether the Bankruptcy Court erred in entering the Judgment against Appellant
16 Wendi Thomas pursuant to Bankruptcy Code Section 523(a)(2), despite the fact that no
17 evidence was introduced against her at trial in the adversary proceeding that constitutes either
18 false pretenses, false representation or actual fraud and that judgment was entered against her
19 for the sole reason that she was the spouse of Appellant Anthony Thomas?
20

21 5. Whether the Bankruptcy Court erred in allowing the introduction of irrelevant
22 evidence relating to Appellant Anthony Thomas' other acts, in violation of Federal Rule of
23 Evidence 404 and other applicable laws?

24 6. Whether the Bankruptcy Court erred by sustaining objections to the introduction
25 of evidence relating to the "beta testing" or other assessments performed on the subject
26 technology on the grounds that such evidence constituted hearsay, despite the fact that it was
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being introduced, and was probative, as to Appellants' state of mind, and not to prove the truth of the matter asserted, and therefore was admissible pursuant to Federal Rule of Evidence 801?

B. DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD

Appellants designate the following items for inclusion in the record on appeal (such designation of pleadings and matters of record includes all exhibits attached or referenced in the pleadings or matters of record):

1. Any and all papers and pleadings on file in the underlying adversary proceeding, including, but not limited to, the items specifically designated below;
2. *Complaint For Damages and To Determine Dischargeability of Debt* [ECF No. 1];
3. *Answer to Complaint For Damages and To Determine Dischargeability of Debt* [ECF No. 11];
4. *Scheduling Order* [ECF No. 27];
5. *Notice of Hearing* [ECF No. 30];
6. *Trial Statement* [ECF No. 35];
7. *Order Granting Kenmark Ventures, LLC's Motion For Relief From Stay* [ECF No. 36];
8. *Notice of Hearing* [ECF No. 39];
9. *Trial Statement* [ECF No. 40];
10. *Request for Judicial Notice* [ECF No. 43];
11. *Supplemental Request for Judicial Notice* [ECF No. 44];
12. *Notice of Hearing* [ECF No. 47];
13. *Nondischargeable Judgment After Trial* [ECF No. 49];

